

In the United States Court of Federal Claims

Nos. 17-1189L, 17-1191L, 17-1194L, 17-1195L, 17-1206L, 17-1215L, 17-1216L
17-1232L, 17-1235L, 17-1277L, 17-1303L, 17-1300L, 17-1332L, 17-1390L,
17-1374L, 17-1391L, 17-1393L, 17-1394L, 17-1395L, 17-1396L, 17-1397L,
17-1398L, 17-1399L, 17-1408L, 17-1409L, 17-1423L, 17-1427L, 17-1428L,
17-1430L, 17-1433L, 17-1434L, 17-1435L, 17-1436L, 17-1437L, 17-1438L,
17-1439L, 17-1450L, 17-1451L, 17-1453L, 17-1454L, 17-1456L, 17-1457L,
17-1458L, 17-1459L, 17-1460L, 17-1461L

Filed: October 11, 2017

Y AND J PROPERTIES, LTD., *
individually and on behalf of all other *
persons similarly situated, *
Plaintiffs, *

BRYANT BANES, NEVA BANES, *
CARLTON JONES, AND NB RESEARCH, *
INC., *on behalf of themselves and others* *
similarly situated, *
Plaintiffs, *

MATTHEW SALO AND GABRIELA SALO,*
on behalf of themselves and all other similarly *
situated persons and entities, *
Plaintiffs, *

ANGELA BOUZERAND, WAYNE *
PESEK, AMY PESEK, AND FRED PAUL *
FRENGER, *individually and on behalf of all* *
other similarly situated, *
Plaintiffs, *

VAL ANTHONY ALDRED, HAGAN *
HAMILTON HEILIGBRODT, WILLIAM *
LANGE KRELL, JR., BEVERLY FECEL *
KRELL, AND SHAWN S. WELLING, *
appearing individually and on behalf of *
all persons similarly situated, *
Plaintiffs, *

KENNETH LEE SMITH AND *
CONSTANCE SMITH, *
Plaintiffs, *

GARNER TIP STRICKLAND, IV AND	*
MEGAN K. STRICKLAND,	*
Plaintiffs,	*
	*
BONNIE CLARK GOMEZ AND	*
JORGE L. GOMEZ,	*
Plaintiffs,	*
	*
VIRGINIA MILTON AND ARNOLD	*
MILTON, <i>on behalf of themselves and all</i>	*
<i>other similarly situated persons,</i>	*
Plaintiffs,	*
	*
CHRISTINA MICU, <i>and all others</i>	*
<i>similarly situated,</i>	*
Plaintiffs,	*
	*
ANTHONY ARRIAGA, <i>et al.,</i>	*
Plaintiffs,	*
	*
WAYNE HOLLIS, JR. AND PEGGY	*
HOLLIS, <i>individually and on behalf of all</i>	*
<i>other similarly situated,</i>	*
Plaintiffs,	*
	*
BASIM MOUSILLI,	*
Plaintiff,	*
	*
HENRY DE LA GARZA AND RANDY	*
DE LA GARZA,	*
Plaintiffs,	*
	*
SANDRA JACOBSON, <i>et al.,</i>	*
Plaintiffs,	*
	*
MARTHA POLLOCK,	*
Plaintiff,	*
	*
MARY KHOURY,	*
Plaintiff,	*
	*
AGL, LLC AND JONATHAN LEVY,	*
Plaintiffs,	*

LUDWIGSEN FAMILY LIVING TRUST	*
AND CHARLES LUDWIGSEN,	*
Plaintiffs,	*
	*
GERARDO REYES,	*
Plaintiff,	*
	*
VANESSA VANCE,	*
Plaintiff,	*
	*
LISA ERWIN,	*
Plaintiff,	*
	*
MARYAM JAFARNIA,	*
Plaintiff,	*
	*
EMILIANO BRUZOS, <i>et al.</i> ,	*
Plaintiffs,	*
	*
EDGAR ABLAN, <i>et al.</i> ,	*
Plaintiffs,	*
	*
DELFINA GOVIA,	*
Plaintiff,	*
	*
BURTON AND TOSHIKO HERING,	*
Plaintiffs,	*
	*
FAITH LEWIS,	*
Plaintiff,	*
	*
ADRIENNE AND JEREMY MURRAY,	*
Plaintiffs,	*
	*
JARRET VENGHAUS,	*
Plaintiff,	*
	*
JACK RUSSO,	*
Plaintiff,	*
	*
JOSEPH NEAL,	*
Plaintiff,	*

IGOR EFFIMOFF,	*
Plaintiff,	*
	*
ANIL THAKER,	*
Plaintiff,	*
	*
JANE GILLIS,	*
Plaintiff,	*
	*
WILLIAM E. AND LAURA A. WOLF,	*
Plaintiffs,	*
	*
MEMORIAL SMC INVESTMENT 2013 LP,	*
Plaintiff,	*
	*
CEBALLOS, <i>et al.</i> ,	*
Plaintiffs,	*
	*
DRONE, <i>et al.</i> ,	*
Plaintiffs,	*
	*
WILLIAMSON, <i>et al.</i> ,	*
Plaintiffs,	*
	*
MEADOWS ON MEMORIAL OWNERS	*
ASSOCIATION, INC., <i>et al.</i> ,	*
Plaintiffs,	*
	*
BE MEMORIAL REALTY LTD.,	*
Plaintiff,	*
	*
CUTLER, <i>et al.</i> ,	*
Plaintiffs,	*
	*
CHERYL L. HANKINSON,	*
Plaintiff,	*
	*
TITA, <i>et al.</i> ,	*
Plaintiffs,	*
	*
v.	*
	*
THE UNITED STATES,	*
Defendant.	*
	*

Michael D. Sydow, The Sydow Firm, Houston, Texas, Counsel for Plaintiff.

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Derek Heath Potts, Potts Law Firm, LLP, Houston, Texas, Counsel for Plaintiffs.

Jacqueline Camille Brown, United States Department of Justice, Environmental and Natural Resources Division, Washington, D.C., Counsel for the Government.

ORDER

Between September 5, 2017 and October 5, 2017, forty-six complaints were filed in the United States Court of Federal Claims alleging Takings Clause claims in violation of the Fifth Amendment to the United States Constitution. Ten of those forty-six complaints are putative class action lawsuits. *See Y And J Properties, LTD v. United States*, No. 17-1189; *Banes, et al., v. United States*, No. 17-1191; *Salo, et al. v. United States*, No. 17-1194; *Bouzerand, et al. v. United States*, No. 17-1195; *Aldred, et al. v. United States*, No. 17-1206; *Milton, et al. v. United States*, No. 17-1235; *Micu, et al. v. United States*, No. 17-1277; *Hollis, Jr., et al. v. United States*, No. 17-1300; *Cutler, et al. v. United States*, No. 17-1459; *Tita, et al. v. United States*, No. 17-1461. The remaining complaints were filed either by individuals or groups of individuals.

On October 6, 2017, the court convened a status conference at the United States District Court for the Southern District of Texas. During that conference, the court stated that it would seek the assistance of Chief Judge Lee H. Rosenthal of the United States District Court for the Southern District of Texas in the selection of class counsel(s) and/or lead class counsel(s) in the above-captioned putative class action lawsuits. Chief Judge Rosenthal agreed to assist the court in this matter.

Therefore, on or before COB on Friday, October 20, 2017, all counsel of record that wish to be considered as class counsel(s) and/or lead class counsel(s) should file on their docket a Statement of Interest, pursuant to Rule of the United States Court of Federal Claims (“RCFC”) 23(g)(1), that states: (1) the work counsel has done in identifying or investigating potential claims in the action; (2) counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action; and (3) counsel’s knowledge of the applicable law; (4) the resources that counsel will commit to representing the class; and (5) any other information relevant to this assignment.

Counsel representing individual plaintiffs and/or a group of individual plaintiffs who do not plan to elect to “opt-in” one of the above-captioned class action cases should advise the court of that decision and whether any or all of the individual plaintiff or group(s) of individual plaintiff cases should be consolidated, and if so, whether a lead counsel(s) in one or more of those cases should be appointed. In addition, if consolidation is sought, interested counsel should provide a Statement of Interest, in the same manner and a time, as set forth above for class action counsel(s) and/or lead class action counsel(s).

On November 1, 2017, Chief Judge Rosenthal will conduct a hearing regarding any Statement(s) of Interest requested herein at 10:00 AM (CST) in Courtroom 11-D in the United States District Court for the Southern District of Texas, 515 Rusk Street, Houston, Texas.

The court will issue a separate order addressing class action certification. Appointment of class action counsel will be made at the same time certification is determined, pursuant to RCFC 23(c)(1), (g)(1).

IT IS SO ORDERED.

s/ Susan G. Braden
SUSAN G. BRADEN
Chief Judge